



05-06-04

Express Mail Mailing Label No. EV289510643US

TRANSMITTAL FORM

Application Serial Number	10/005,212
Filing Date	December 4, 2001
First Named Inventor	Gillies
Group Art Unit	1646
Examiner Name	P. M. Mertz
Attorney Docket No.	LEX-002C1

ENCLOSURES (check all that apply)

- | | | |
|--|---|---|
| <input checked="" type="checkbox"/> Fee Transmittal Form <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Check Attached <input type="checkbox"/> Copy of Fee Transmittal Form | <input type="checkbox"/> Copy of Notice to File Missing Parts of Application (PTO-1553) <ul style="list-style-type: none"> <input type="checkbox"/> Formal Drawing(s) | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <ul style="list-style-type: none"> <input type="checkbox"/> Appeal Communication to Group (<i>Appeal Notice, Brief, Reply Brief</i>) |
| <input type="checkbox"/> Amendment/Response <ul style="list-style-type: none"> <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) | <input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition <ul style="list-style-type: none"> <input type="checkbox"/> To Convert to a Provisional Application | <input type="checkbox"/> Status Letter <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Return receipt postcard |
| <input type="checkbox"/> Letter to Official Draftsperson including Drawings [Total Sheets _____] | <input type="checkbox"/> Power of Attorney (Revocation of Prior Powers) | <input type="checkbox"/> Certificate of First Class Mailing under 37 C.F.R. 1.8 |
| <input type="checkbox"/> Extension of Time Request | <input type="checkbox"/> Terminal Disclaimer | <input type="checkbox"/> Additional Enclosure(s) (<i>please identify below</i>) |
| <input checked="" type="checkbox"/> Third Supplemental Information Disclosure Statement | <input type="checkbox"/> Executed Declaration and Power of Attorney for Utility or Design Patent Application | |
| <input checked="" type="checkbox"/> Form 1449 | <input type="checkbox"/> Small Entity Statement | |
| <input checked="" type="checkbox"/> Copies of Third Supp. IDS Citations (A96-A102, B107, and C239-C248) | <input type="checkbox"/> Request for Refund | |
| <input type="checkbox"/> Certified Copy of Priority Document(s) | <input type="checkbox"/> After Allowance Communication to Group | |
| <input type="checkbox"/> Response to Missing Parts/Incomplete Application | | |

CORRESPONDENCE ADDRESS

Direct all correspondence to: Patent Administrator
 Testa, Hurwitz & Thibeault, LLP
 High Street Tower
 125 High Street
 Boston, MA 02110
 Tel. No.: (617) 248-7000
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SIGNATURE BLOCK

Respectfully submitted,

Brian A. Fairchild, Ph.D.
 Attorney for Applicant(s)
 Testa, Hurwitz & Thibeault, LLP
 High Street Tower
 125 High Street
 Boston, MA 02110


**FEE TRANSMITTAL
FY 2003**

Complete if Known	
Application Serial Number	10/005,212
Filing Date	December 4, 2001
First Named Inventor	Gillies
Group Art Unit	1646
Examiner Name	P. M. Mertz
Attorney Docket No.	LEX-002C1

METHOD OF PAYMENT		FEES CALCULATION (continued)		
1. <input checked="" type="checkbox"/> Payment Enclosed: <input checked="" type="checkbox"/> Check <input type="checkbox"/> Money Order <input type="checkbox"/> Other		3. ADDITIONAL FEES		
2. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to credit or charge any fee indicated below for this submission to Deposit Account No. 20-0531. <input type="checkbox"/> Required Fees (copy of this sheet enclosed). <input checked="" type="checkbox"/> Additional fee required under 37 CFR 1.16 and 1.17. <input checked="" type="checkbox"/> Overpayment Credit.		Large Entity Fee (\$)	Small Entity Fee (\$)	Fee Description
3. <input type="checkbox"/> Applicant claims small entity status.		Fee Paid	Fee Paid	Fee Paid
FEES CALCULATION				
1. FILING FEE				
Large Entity				
Fee (\$)	Fee Description	Fee Paid		
750	Utility filing fee			
330	Design filing fee			
160	Provisional filing fee			
Number Filed	Number Extra	Rate	Amount	
Total Claims	- 20 =	x \$ 18.00 =		
Independent Claims	- 3 =	x \$ 84.00 =		
<input type="checkbox"/> Multiple Dependent Claim(s), if any		\$280.00 =		
TOTAL: SMALL ENTITY DISCOUNT: SUBTOTAL (1) (\$ 0.00)				
2. AMENDMENT CLAIM FEES				
Claims Remaining After Amend.	Highest No. Previously Paid For	Present Extra	Rate	Fee Paid
Total Indep.	- - =	x \$ 18.00 =	0.00	
<input type="checkbox"/> First Presentation of Multiple Dep. Claim		x \$ 84.00 = + \$280.00 =	0.00	
		TOTAL:	(\$ 0.00)	
		SMALL ENTITY DISCOUNT:	(\$)	
		SUBTOTAL (2)	(\$ 0.00)	
SUBTOTAL (3) (\$ 180.00)				
SUBTOTAL (1) 0.00 SUBTOTAL (2) 0.00 SUBTOTAL (3) 180.00				
TOTAL (\$ 180.00)				
CORRESPONDENCE ADDRESS		SIGNATURE BLOCK		
Direct all correspondence to: Patent Administrator Testa, Hurwitz & Thibeault, LLP High Street Tower-125 High Street Boston, MA 02110 Tel. No.: (617) 248-7000 Fax No.: (617) 248-7100		Respectfully submitted, Brian A. Fairchild, Ph.D. Attorney for the Applicants Testa, Hurwitz & Thibeault, LLP High Street Tower-125 High Street Boston, MA 02110		



PATENT
Attorney Docket No. LEX-002C1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS:	Gillies <i>et al.</i>	CONF. NO.:	6802
SERIAL NO.:	10/005,212	GROUP NO.:	1646
FILING DATE:	December 4, 2001	EXAMINER:	P. M. Mertz
TITLE:	HETERODIMERIC FUSION PROTEINS USEFUL FOR TARGETED IMMUNE THERAPY AND GENERAL IMMUNE STIMULATION		

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

THIRD SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Sir:

In accordance with the provisions of 37 C.F.R. 1.97 and 1.98, Applicants hereby make of record the patents and publications listed on the accompanying Form PTO-1449, and other information contained herein, for consideration by the Examiner in connection with the examination of the above-identified patent application. Copies of the patents and publications are enclosed.

REMARKS

In accordance with the provisions of 37 C.F.R. § 1.97, this statement is being filed (CHECK ONE):

- (1) within three (3) months of the **filings date** of a national application other than a continued prosecution application under 37 C.F.R. § 1.53(d), or within three (3) months of the **date of entry of the national stage** as set forth in 37 C.F.R. § 1.491 in an international application, or before the mailing of the **first Office action** on the merits, or before the mailing of a **first Office action** after the filing of a request for continued examination under 37 C.F.R. § 1.114; or
- (2) after the period defined in (1) but before the mailing date of a **final action or a notice of allowance** under 37 C.F.R. § 1.311, and
 - the requisite Statement is below, OR

Void date: 05/07/2004 HTECKLU1
05/07/2004 HTECKLU1 00000019 10055212
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05/07/2004 HTECKLU1 00000019 10055212
01 FC:1806 180.00 OP

05/07/2004 HTECKLU1 00000080 10005212
01 FC:1806 180.00 OP

Third Supplemental Information Disclosure Statement

Atty Docket No. LEX-002C1

Serial No. 10/005,212

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- the requisite fee under 37 C.F.R. § 1.17(p), namely **\$180.00**, is included herein, or
- (3) after the mailing date of a **final action or notice of allowance** but before the payment of the **issue fee, AND**
- the requisite Statement is below, **AND**
- the requisite petition fee under 37 C.F.R. § 1.17(p), namely **\$180.00** is included herein.

It is respectfully requested that the Office action listed on the attached Form PTO-1449 be made of record in this application.

Applicants note that reference C247 is the International Search Report for an international patent application corresponding to the present U.S. application.

Applicants believe no additional fee is required for entry and consideration of this paper. If an additional fee is required, please charge Deposit Account 20-0531.

Respectfully submitted,



Brian A. Fairchild, Ph.D.
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125 High Street
Boston, Massachusetts 02110

Date: May 5, 2004

Reg. No. 48,645

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Express Mail Mailing Label No. EV289510643US

SHEET 1 OF 2

FORM PTO - 1449 THIRD SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT				ATTORNEY DOCKET NO.: LEX-002C1 APPLICANT(S): Gillies <i>et al.</i> SERIAL NO.: 10/005,212 FILING DATE: December 4, 2001 GROUP: 1646					
U.S. PATENT DOCUMENTS									
EXAM. INIT.		DOCUMENT NUMBER	DATE	NAME		CLASS	SUB CLASS	FILING DATE IF APPROPRIATE	
	A96	6,429,199	8/6/02	Krieg et al.					
	A97	2002/0037558	3/28/02	Lo et al.					
	A98	2002/0146388	10/10/02	Gillies					
	A99	2003/0139575	7/24/03	Gillies					
	A100	2004/0013640	1/22/04	Zardi et al.					
	A101	2004/0072299	4/15/04	Gillies et al.					
	A102	2004/0082039	4/29/04	Gillies et al.					
FOREIGN PATENT DOCUMENTS									
EXAM. INIT.		DOCUMENT NUMBER	DATE	COUNTRY CODE	CLASS	SUB CLASS	FILING DATE	ABSTRACT ONLY	ENGLISH LANG (Y/N)
	B107	WO 93/20185	10/14/93	PCT					
OTHER ART, JOURNAL ARTICLES, ETC.									
EXAM. INIT.	OTHER DOCUMENTS: (Including Author, Title, Date, Relevant Pages, Place of Publication)								
	C239	de la Salle et al., (1996), "FcγR on Human Dendritic Cells," in <u>Human IgG Receptors</u> , pp. 39-55, van de Winkel et al. (eds.), R.G. Landes Co.							
	C240	Elliott et al., (1996), "Fine-Structure Epitope Mapping of Antierythropoietin Monoclonal Antibodies Reveals a Model of Recombinant Human Erythropoietin Structure," <u>Blood</u> , 87(7):2702-2713.							
	C241	Hurn et al., (1980), "Production of Reagent Antibodies," <u>Methods in Enzymology</u> , 70: 104-142.							
	C242	Isenman et al., (1975), "The Structure and Function of Immunoglobulin Domains: II. The Importance of Interchain Disulfide Bonds and the Possible Role of Molecular Flexibility in the Interaction between Immunoglobulin G and Complement," <u>J. Immunology</u> , 114(6):1726-1729.							
	C243	Lode et al., (1997), "Targeted Interleukin-2 Therapy for Spontaneous Neuroblastoma Metastases to Bone Marrow," <u>J. Natl. Cancer Inst.</u> , 89(21):1586-94.							
EXAMINER				DATE CONSIDERED					



SHEET 2 OF 2

FORM PTO - 1449 THIRD SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT		ATTORNEY DOCKET NO.: LEX-002C1 APPLICANT(S): Gillies <i>et al.</i> SERIAL NO.: 10/005,212 FILING DATE: December 4, 2001 GROUP: 1646
EXAM. INIT.	OTHER DOCUMENTS: (Including Author, Title, Date, Relevant Pages, Place of Publication)	
	C244	Sallusto et al., (1994), "Efficient Presentation of Soluble Antigen by Cultured Human Dendritic Cells Is Maintained by Granulocyte/Macrophage Colony-stimulating Factor Plus Interleukin 4 and Downregulated by Tumor Necrosis Factor α ," <u>J. Exp. Med.</u> , 179:1109-1118.
	C245	Schlom (1991), "Monoclonal Antibodies: They're More and Less Than You Think," in <u>Molecular Foundations of Oncology</u> , pp. 95-133.
	C246	Wen et al., (1994), "Erythropoietin Structure-Function Relationships: Identification of Functionally Important Domains," <u>J. Biological Chemistry</u> , 269(36):22839-22846.
	C247	International Search Report for International Patent Application Serial No. PCT/US98/25978, dated June 18, 1999.
	C248	Maecker et al., (1997), "DNA Vaccination with Cytokine Fusion Constructs Biases the Immune Response to Ovalbumin," <u>Vaccine</u> , 15(15):1687-1698.
EXAMINER		DATE CONSIDERED

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